IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

WP(C).No. 28616 of 2007(F)

PETITIONER:

C.V. ABU,
S/O.MOHAMMED,
CHERUVALAPPIL HOUSE,
CHANTHAPADI, PONNANI.

BY ADV. SRI.C.V.MANUVILSAN
SRI.P.K.KHALEEMUDHEEN
SRI.G.SUDHEER (THURAVOOR)
SRI.P.C.ANIL KUMAR

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF LAND REVENUE,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, MALAPPURAM.

3. THE TAHSILDAR, PONNANI,
MALAPPURAM.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC,J.

W.P (C) No. 28616 of 2007

Dated this the 26th day of September, 2007

J U D G M E N T

Petitioner submits that by Exhibit-P1 Sale deed he has acquired property in Sy. No.200/06 of Ezhuvathuruthy Village of Malappuram District and on the strength of the said document he has been paying taxes also. However, by Exhibit-P8 notice the 3rd respondent has required him to vacate from the premises. According to him Survey Number shown in Exhibit - P8 is 171/16 and therefore his property in Sy. No.200/6 is not liable to be proceeded against. Petitioner also submits that on receipt of Exhibit-P8 he has submitted Exhibit - P9 reply followed by complaints made to the other authorities by Exhibits P10 and P11. It is alleged that without taking a decision respondents are attempting to evict him from his property. It is in this background, this writ petition has been filed.

2. Taking into account the submissions made as above, I dispose of this writ petition directing that Exhibit-P8 be treated as a show cause notice and Exhibit-P9 to be his reply. The 3rd respondent shall take a decision on Exhibit-P8 in the light of Exhibit-P9 reply with notice to the petitioner and after

hearing him within eight weeks on receipt of a copy of this judgment. Until orders are passed as above, Exhibit-P8 shall be kept in abeyance.

Petitioner shall produce a copy of this judgment before the 3rd respondent, for compliance.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007